

STATE OF CALIFORNIA

Public Utilities Commission
San Francisco

M e m o r a n d u m

Date: May 23, 2005

To: The Commission
(Meeting of May 26, 2005)

From: Delaney L. Hunter, Director
Office of Governmental Affairs (OGA) — Sacramento

Subject: **SB 1047 (Bowen)**
As introduced on February 22, 2005

Legislative Subcommittee Recommendation: Support

SUMMARY: This bill changes a railroad derailment accident site reporting requirement from a five-year accident history to a two-year accident history.

ANALYSIS: Current law requires the Commission to report to the Legislature on hazardous rail sites. The report must include sites in which a derailment has occurred in the last five years. SB 1047 simply changes the reporting requirement to the previous TWO years.

The bill does not affect the Commission's responsibility for providing an annual report to the Legislature regarding rail accidents.

LEGISLATIVE HISTORY

AB 2701 (Runner), Chapter 766, Statutes of 2004, deleted the requirement for the PUC to annually report on the hazardous materials transported by railroads.

STATUS

SB 1047 passed out of the Senate on April 25, 2005 on a vote of 38-0 and has been assigned to the Assembly Utilities & Commerce Committee, no hearing date has been set to date.

SUPPORT/OPPOSITION

Support:

None on file.

Opposition:

None on file.

LEGISLATIVE STAFF CONTACT

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Date: May 23, 2005

BILL NUMBER: SB 1047 INTRODUCED
BILL TEXT

INTRODUCED BY Senator Bowen

FEBRUARY 22, 2005

An act to amend Section 7711 of the Public Utilities Code,
relating to railroad corporations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1047, as introduced, Bowen. Railroad corporations: safety.

Under existing law, the Public Utilities Commission is required to annually report to the Legislature on sites on railroad lines in the state that it finds to be hazardous, including a list of all railroad derailment accident sites in the state on which accidents have occurred within at least the previous five years.

This bill would require that the report include a list of all railroad derailment accident sites in the state on which accidents have occurred within at least the previous two years.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 7711 of the Public Utilities Code is amended to read:

7711. On or before July 1, 1992, and on or before July 1 annually thereafter, the commission shall report to the Legislature on sites on railroad lines in the state it finds to be hazardous. The report shall include, but not be limited to, information on all of the following: (a) A list of all railroad derailment accident sites in the state on which accidents have occurred within at least the previous ~~five~~ two years. The list shall describe the nature and probable causes of the accidents, if known, and shall indicate whether the accidents occurred at or near sites that the commission, pursuant to subdivision (b), has determined pose a local safety hazard.

(b) A list of all railroad sites in the state that the commission, pursuant to Section 20106 of Title 49 of the United States Code, determines pose a local safety hazard. The commission may submit in the annual report the list of railroad sites submitted in the immediate prior year annual report, and may amend or revise that list from the immediate prior year as necessary. Factors that the commission shall consider in determining a local safety hazard may include, but need not be limited to, all of the following:

- (1) The severity of grade and curve of track.
- (2) The value of special skills of train operators in negotiating the particular segment of railroad line.
- (3) The value of special railroad equipment in negotiating the particular segment of railroad line.
- (4) The types of commodities transported on or near the particular segment of railroad line.
- (5) The hazard posed by the release of the commodity into the

environment.

(6) The value of special railroad equipment in the process of safely loading, transporting, storing, or unloading potentially hazardous commodities.

(7) The proximity of railroad activity to human activity or sensitive environmental areas.

(c) In determining which railroad sites pose a local safety hazard pursuant to subdivision (b), the commission shall consider the history of accidents at or near the sites. The commission shall not limit its determination to sites at which accidents have already occurred, but shall identify potentially hazardous sites based on the criteria enumerated in subdivision (b) and all other criteria that the commission determines influence railroad safety. The commission shall also consider whether any local safety hazards at railroad sites have been eliminated or sufficiently remediated to warrant removal of the site from the list required under subdivision (b).